
IN SENATE OF THE UNITED STATES.

FEBRUARY 13, 1843.

Read twice, and referred to the Committee on Public Lands.

A N A C T

To authorize the investigation of alleged frauds under the pre-emption laws, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives*
2 *of the United States of America in Congress assembled, That*
3 the Commissioner of the General Land Office be, and he hereby
4 is, authorized to appoint a competent agent, whose duty it shall
5 be, under direction of said Commissioner, to investigate the
6 cases of fraud under the pre-emption laws, alleged to exist in
7 the Columbus land district, in the State of Mississippi, referred
8 to in the late annual report of said Commissioner, communi-
9 cated to Congress by letter of the Secretary of the Treasury,
10 dated December the fifteenth, one thousand eight hundred and
11 forty-two; and that such agent shall examine all witnesses who
12 may be brought before him by the individual or individuals
13 alleging the fraud, as well as those witnesses who may be pre-
14 duced by the parties in interest, to sustain said claims; and
15 that he be, and is hereby, invested with power to administer to
16 such witnesses an oath to speak the truth in regard to any ques-
17 tion which may be deemed necessary to the full examination of

18 the cases so alleged to be fraudulent ; and such testimony shall
 19 be reduced to writing, and subscribed by each witness, and the
 20 same returned to the Commissioner, with the opinion of said
 21 agent on each claim ; and any witness, so examined before the
 22 said agent, who shall swear falsely in regard to any matter or
 23 thing touching such examination, shall be subject, on conviction,
 24 tion, to all the pains and penalties of perjury.

1 SEC. 2. *And be it further enacted*, That, in any case,
 2 where a party entitled to claim the benefits of any of the pre-
 3 emption laws shall have died before consummating his claim,
 4 by filing, in due time, all the papers essential to the establish-
 5 ment of the same, it shall be competent for the executor or
 6 administrator of the estate of such party, or one of the heirs of
 7 proper age, to file the necessary papers to complete the same :
 8 *Provided*, That the entry in such cases shall be made in favor
 9 of "the heirs" of the deceased pre-emptor, and a patent thereon
 10 shall cause the title to inure to said heirs, as if their names had
 11 been specially mentioned.

1 SEC. 3. *And be it further enacted*, That in cases where
 2 pre-emption claims are found to exist on a sixteenth section,
 3 the right, which the law allows to the claimant in such cases,
 4 of locating any other quarter section in the same land district,
 5 shall not hereafter so operate as to admit of the location of any
 6 public land not subject to private entry, which is in the occu-
 7 pancy of another, either by actual residence thereon, or by a

8 bona fide cultivation, under suitable fence, without the consent
9 of such occupant.

1 SEC. 4. *And be it further enacted*, That where an indi-
2 vidual has filed, under the late pre-emption law, his declaration
3 of intention to claim the benefits of said law for one tract of
4 land, it shall not be lawful for the same individual, at any future
5 time, to file a second declaration for another tract.

1 SEC. 5. *And be it further enacted*, That claimants under
2 the late pre-emption law, for land not yet proclaimed for sale,
3 are required to make known their claims, in writing, to the
4 register of the proper land office, within three months from
5 the date of this act when the settlement has been already made,
6 and within three months from the time of the settlement when
7 such settlement shall hereafter be made, giving the designation
8 of the tract, and the time of settlement; otherwise his claim
9 to be forfeited, and the tract awarded to the next settler, in
10 the order of time, on the same tract of land, who shall have
11 given such notice, and otherwise complied with the conditions
12 of the law.

1 SEC. 6. *And be it further enacted*, That whenever the
2 vacation of the office either of register or receiver, or of both,
3 shall render it impossible for the claimant to comply with any
4 requisition of any of the pre-emption laws within the appointed
5 time, such vacation shall not be permitted to operate to the
6 detriment of the party claiming, in respect to any matter essen-

7 tial to the establishment of his claim: *Provided*, That such
 8 requisition is complied with within the same period after the
 9 disability is removed as would have been allowed him had such
 10 disability not existed.

1 SEC. 7. *And be it further enacted*, That so much of the
 2 act entitled "An act to reorganize the General Land Office,"
 3 as authorizes the President of the United States, by and with
 4 the advice and consent of the Senate, to appoint a secretary to
 5 sign patents for land sold or granted under the authority of the
 6 United States, be, and the same is hereby, repealed; and that
 7 said office of secretary to sign patents be, and is hereby, abol-
 8 ished; and the duties required to be performed by him, be
 9 hereafter performed by the Recorder of the General Land
 10 Office.

Passed the House of Representatives.

FEBRUARY 11, 1843.

Attest:

M. S. CLARKE, *Clerk*.